REMARKS

In an Office Action dated April 9, 2009, the Examiner has maintained the

previous rejections of all of the pending claims under 35 U.S.C. §103(a) as being

unpatentable over the previously cited art of record, and has objected to Claim 10 due to

informalities.

Specifically, the Examiner has again rejected Claims 1-3, 5-10, 13, 15-16, 20-21,

23-26 and 28-29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication

No. 2002/0112044 to Hessmer et al. ("Hessmer") in view of U.S. Publication No.

2004/0019639 to E et al. ("E"), further in view of U.S. Publication No. 2002/0091819 to

Melchione et al. ("Melchione"); Claim 11, as unpatentable over Hessmer, E and

Melchione as applied to claim 10, and further in view of U.S. Publication No.

2001/0005201 to Digiorgio; and Claim 12, as unpatentable over Hessmer, E and

Melchione as applied to Claim 10, further in view of U.S. Patent No. 6,061,721 to Ismael

("Ismael").

In this response, Applicant again traverses the rejections. Without admitting the

propriety of the rejections, and in a continuing effort to advance the prosecution of the

application as quickly as possible, Applicant has further amended the independent Claims

1, 10, 20 and 25 and dependent Claims 5, 6, 9, 15, 16, 23, 24 and 28 to clarify the subject

matter that Applicant regards as the invention. Support for the amendments is found

throughout the specification and drawings, in particular, in Figure 10 and the

accompanying description in paragraphs [0059] – [0069].

Claims 4, 14, 17-19, 22, 27 and 30 were previously canceled without prejudice.

Applicant requests reconsideration of remaining pending Claims 1-3, 5-13, 15-16, 20-21,

23-26 and 28-29 in view of arguments as set forth in detail in the following remarks.

INTERVIEW SUMMARY

Applicant thanks Examiner Hassan for granting an interview which was

conducted on July 7, 2009. During the interview the Applicant's representative and

Examiner Hassan discussed their differing interpretations of the cited references as well

Applicant's opposition to his position that the specification fails to provide limiting

definitions of terms related to the cluster architecture that appear in the claims. Although

an agreement as to patentable subject matter was not reached, the Examiner did indicate

that the amendments proposed in this response would likely overcome the outstanding

rejections of record.

CLAIM OBJECTION

Claim 10 was objected to for informalities. Applicant has amended the claim to

remove the extra comma in accordance with the Examiner's request.

CLAIM REJECTIONS – 35 U.S.C. § 103

The Examiner has maintained all of the previous rejections of the Claims 1-3, 5-

10, 13, 15-16, 20-21, 23-26, and 28-29 under Section 103(a) based on the previously

cited art of record, principally the references to Hessmer, E and Melchione.   Applicant

traverses the rejections.

Claims 1-3, 5-10, 13, 15-16, 20-21, 23-26 and 28-29

      Claim 1, as currently amended, recites as follows:

      1.   A computer-implemented method employed within a network of application
server instances having a cluster architecture comprising:

      displaying a hierarchical tree structure having one or more tree nodes in a
graphical user interface, each of the one or more tree nodes representing a resource of an
application server instance within a cluster of application server instances, each
application server instance within the cluster of application server instances having

              a group of server nodes configured with a redundant set of application
                  logic and associated data, each server node within the group of
                  server nodes having access to a central database associated with
                  the cluster of application server instances, and

              a dispatcher in communication with a central service associated with the
                  cluster of application server instances, the central service enabling
                  synchronization and communication between each of the
                  application server instances within the cluster of application server
                  instances, the central service having a locking service and a
                  messaging service, the locking service enabling synchronization by
                  disabling access to a portion of configuration data and program
                  code stored with the central database, the messaging service
                  enabling communication among the groups of server nodes within
                  each application server instance within the cluster of application
                  server instances using a message passing protocol,

      wherein at least one of resources the tree nodes represent is a service of the
application server instance within the cluster of application server instances;

      receiving an input selecting the tree node representing the service of the
application server instance within the cluster of application server instances;

      displaying a list of one or more service references associated with the service
represented by the selected tree node in the graphical user interface; and

      displaying a relationship value for each listed service reference, *wherein the
relationship value is to specify a binary value that represents a strength of a
relationship between the listed service reference and the service represented by the
selected tree node, the strength of the relationship indicating whether the listed service*

reference is or is not automatically started when the service represented by the selected tree node is started.

The Examiner again criticizes Applicant's specification as not providing any "limiting definition" of the terms "dispatcher," "locking service," or "messaging service," and now argues that the previously cited reference to E discloses the cluster of application server instances as recited in the claims. (Office Action, Page 4). Without going into the details of their previous argument, Applicant submits that the specification does provide ample description of the cluster architecture in Figure 13 and the accompanying paragraphs [0083-0089], and again respectfully submit that the meaning of a particular claim term *may be defined by implication, that is, according to the usage of the term in the context of the specification*. See Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc) quoted in MPEP 2111.01 (IV). Accordingly, the claim limitations, including the terms "cluster," "dispatcher," "central service," "locking service" and "messaging service," must be interpreted in light of the specification.

Without admitting the propriety of the rejections, and to advance the prosecution of the application to allowance as quickly as possible, Applicant has amended the independent claims to recite additional limitations clarifying the relationship value and its use in providing a visual administrator for specifying service references to support a service. In particular, Applicant has recited additional limitations that clarify that *the relationship value is to specify a binary value that represents a strength of a relationship between the listed service reference and the service represented by the selected tree node, the strength of the relationship indicating whether the listed service reference is or is not automatically started when the service represented by the selected tree node is started*. In response to the Examiner's argument that the selected or unselected radio buttons and check boxes of Melchione teaches the hard and weak

relationship values currently recited in the dependent claims (see Office Action, 4-9-4009, Pps. 14-15, rejecting Claims 5-6, 15, 23 and 28), Applicant submits that providing such varied graphical selection options for each individual application is not the same as providing a consistent set of claimed binary values that represent the strength (or lack of strength) in the relationship between listed and selected services, as now recited in Claim 1.

In view of the foregoing, Applicant submits that Claim 1 is patentably distinguishable over Melchione, Hessmer and E, either alone or in combination. Independent claims 10, 20 and 25 recite similar limitations. Thus, for at least the same reasons that Claim 1 is patentably distinguishable over Melchione, Hessmer and E, either alone or in combination, Applicant submits that independent Claims 10, 20 and 25, are patentably distinguishable over Melchione, Hessmer and E, either alone or in combination. Claims 2-3, 5-9, 13, 15-16, 21, 23-24, 26 and 28-29 depend from claims 1, 10, 20 and 25, respectively. Therefore, dependent Claims 2-3, 5-9, 13, 15-16, 21, 23-24, 26 and 28-29 are patentably distinguishable over Melchione, Hessmer and E, either alone or in combination, for at least the same reasons as independent Claims 1, 10, 20 and 25, and because of their additional limitations. For at least this reason, Applicant respectfully requests the withdrawal of the rejection of Claims 1-3, 5-10, 13, 15-16, 20-21, 23-26 and 28-29 under Section 103.

Claim 11

The Examiner rejected Claim 11 under Section 103(a) as being unpatentable over Hessmer, E, and Melchione as applied to independent Claim 10 above, and further in view of Digiorgio. Applicant submits that the reference to Digiorgio does not cure the above-noted deficiencies of Hessmer, E, and Melchione. Therefore, dependent claim 11 is patentably distinguishable over Melchione, Hessmer, E, and Digiorgio either alone or

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in combination for at least the same reasons as is Claim 10, and because of the additional limitations recited in Claim 11. For at least this reason, Applicant respectfully requests the withdrawal of the rejection of Claim 11 under Section 103.

Claim 12

The Examiner rejected Claim 12 under Section 103(a) as being unpatentable over Hessmer, E, and Melchione as applied to independent Claim 10 above, and further in view of Ismael. Applicant submits that the reference to Ismael does not cure the above-noted deficiencies of Hessmer, E, and Melchione. Therefore, dependent claim 12 is patentably distinguishable over Melchione, Hessmer, E, and Ismael either alone or in combination for at least the same reasons as is Claim 10, and because of the additional limitations recited in Claim 12. For at least this reason, Applicant respectfully requests the withdrawal of the rejection of Claim 12 under Section 103.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been
overcome. Therefore, Claims 1-3, 5-9, 10-13, 15-16, 20-21, 23-24, 25-26 and 28-29 are
in condition for allowance and such action is earnestly solicited. The Examiner is
respectfully requested to contact the undersigned by telephone if such contact would
further the examination of the present application. Please charge any shortages and credit
any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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July 9, 2009   /Donna Jo Coningsby/
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